

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
241-03

Effective Date:
01/09/2017

Subject:
Motor Vehicle Pursuit

Approved by:

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

Steven D. Hebbe, Chief of Police



I. PURPOSE

To establish written guidelines governing the pursuit of motor vehicles.

II. POLICY

Emergency response driving and vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the responsibility of the Farmington Police Department to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this Department to regulate the manner in which emergency response driving and vehicular pursuits are undertaken and performed.

It is the policy of the Farmington Police Department to initiate a motor vehicle pursuit only when an officer has reasonable grounds to believe the offender presents a clear and immediate serious threat to the safety of other motorists or the general public or, in the alternative, when the offender has committed or is committing a violent felony.

Therefore, a motor vehicle pursuit will only be initiated or continued when it is necessary to apprehend suspects who pose an imminent or serious danger to the general public should the fleeing occupants be left at large, and where such a pursuit does not create a greater threat of harm to the citizens of this community, than the threat of allowing the fleeing occupants to continue at large.

III. DEFINITIONS

Authorized Emergency Vehicle: Clearly marked police vehicle equipped with working emergency lights and siren.

Barricade: The improvised placement of emergency vehicles across a street or other thoroughfare to prevent or delay the movement of traffic.

Boxing In: The action of restricting a vehicle's movement by strategically placing emergency vehicles on one or more sides of a pursued vehicle, whether mobile or stationary.

Clear and Immediate Serious Threat: A threat which is present prior to the pursuit and which represents a willful disregard by the operator or occupants of the vehicle for the rights and safety of others, which reasonably places the public in imminent danger of great bodily harm or death. The continuing, patently unsafe operation of a vehicle by an apparent impaired driver may be considered as an example of a clear and immediate serious threat.

Forcible Stops: Any method utilized to stop the movement of a motor vehicle including ramming techniques, roadblocks, barricades, etc.

High Speed: Any speed which exceeds the posted speed limit and/or the reasonable speed given the current environmental conditions.

Low Speed Pursuit: A motor vehicle pursuit which does not exceed the posted speed limit.

Motor Vehicle Pursuit: An active attempt by a law enforcement officer, operating an authorized emergency vehicle, to apprehend one or more occupants of a motor vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the posted speed limit, disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics. A visual and audible signal must be given by the officer directing the operator to stop.

Primary Pursuit Vehicle: The police vehicle operated by the officer initiating the pursuit or another police vehicle which assumes the lead pursuit position.

Public Risk: Inherent risk to the safety of the public, to include pedestrians, motor vehicles and property, during an on-going high speed pursuit.

Pursuit Termination: The act of terminating an active pursuit, is accomplished by all participating units immediately obeying all traffic laws including, posted speed limits and traffic controls, turning off all emergency equipment, and ceasing to pursue or follow the suspect vehicle.

Ramming: The use of an emergency vehicle, to damage or stop another motor vehicle, by forcibly colliding with said vehicle.

Roadblock: A roadblock is any solid object that is placed in the roadway or in the vehicle's path with the intention of stopping or slowing that vehicle. Types of roadblocks include solid barricades, or other vehicles.

Street Paralleling: The action of shadowing a vehicle, by traveling on a street parallel to the roadway being traveled by the pursued vehicle.

Secondary Pursuit Vehicle: The police vehicle which becomes involved in the pursuit immediately following the primary pursuit vehicle and acting as the primary pursuit vehicle's backup.

Vehicle Paralleling: The action of shadowing a vehicle, by traveling side-by-side on the same roadway as the pursued vehicle.

Violent Felony: Homicide, criminal sexual penetration, armed robbery, kidnapping, felony aggravated battery or assault with a deadly weapon.

Other than as defined above, motor vehicle pursuits for any other felony or misdemeanor crimes, or common traffic violation(s) are prohibited.

IV. STATUTORY CONSIDERATIONS FOR MOTOR VEHICLE PURSUITS

Pursuits must be considered as a potentially dangerous act for the officer(s) and the suspect, as well as the general public. When a police officer initiates a pursuit of a fleeing vehicle, they may have a tendency to consider only themselves and/or the occupants of the fleeing vehicle. This is not an adequate mindset.

It must be remembered that other citizens using public roadways do not expect their travel to be interrupted by a high-speed, motor vehicle pursuit which may cause them to become involved in an accident due to over-

reaction or sudden panic. In addition, children at play, as well as other pedestrian traffic, are likely to be drawn towards a police vehicle with the emergency lights and siren activated.

In order to diminish the likelihood of a pursuit, officers intending to stop a motor vehicle should, when possible, be within close proximity to the violator's vehicle before activating the police vehicle's emergency lights to initiate a traffic stop. This practice is intended to reduce the violator's temptation to elude police contact. This practice does not absolve an officer from using reasonable and safe driving techniques and following state statute regarding the operation of emergency vehicles while attempting to narrow the distance between the officer and the offender before activating emergency lights.

Motor vehicle pursuits are governed by New Mexico State statute, 66-7-6, Authorized Emergency Vehicles, which states the following: The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The chief of the New Mexico State Police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles. The driver of an authorized emergency vehicle may: (1) park or stand, irrespective of the provisions of the Motor Vehicle Code 1-8 of Chapter 66, except 66-7-102.1 NMSA; (2) proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation; (3) exceed the maximum speed limits so long as he does not endanger life or property, and; (4) disregard regulations governing direction of movement or turning in specified directions. The exceptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor does it protect the driver from the consequences of their reckless disregard for the safety of others.

V. GUIDELINES FOR MOTOR VEHICLE PURSUITS

- A. The initiating pursuit vehicle is responsible for the conduct of the pursuit, unless such vehicle is unable to remain close enough to the pursued vehicle to prevent losing visual contact or becomes disabled.
- B. The authority of the primary pursuit vehicle is, at all times, subordinate to the command of the shift supervisor.
- C. Upon initiation of a pursuit, the Communication Center shall notify on duty supervisors of the pursuit by radio. An on duty supervisor shall announce on the radio that they have command of the pursuit. If no supervisor announces command of the pursuit after the Communication Center attempts to notify them, the pursuing officer shall terminate the pursuit.
- D. When a secondary pursuit vehicle replaces the initial pursuit vehicle, that unit becomes the primary pursuit vehicle. The replacement unit is then responsible for the pursuit and continues in that capacity until the pursuit is terminated or the primary pursuit vehicle is again replaced. The primary pursuit vehicle retains operational responsibility for the pursuit, unless relieved by a shift supervisor.

- E. The primary pursuit vehicle will relinquish radio communications upon the engagement of a secondary pursuit vehicle. The secondary vehicle will then be tasked with communicating all pertinent information and pursuit updates to the Communications Center. This is done in order to allow the primary pursuing officer to safely operate their vehicle, while simultaneously concentrating their focus on the fleeing vehicle's actions. If the primary pursuit vehicle is a two-man unit, the passenger officer will operate radio communications, whenever possible.
- F. Officers should broadcast all geographical directions utilizing north, south, east and west. (Providing directions, such as: left, right, oncoming or towards a landmark should be avoided, when possible).
- G. The primary pursuit vehicle provides updated information to the Communications Center concerning the direction of travel, speed and pursued vehicle's actions, as such information becomes available, or until radio communications are relinquished to a secondary pursuit vehicle.
- H. The Communications Center continuously updates the shift supervisor and other field units of the direction and progress of the pursuit, by repeating all relevant information received from the pursuit vehicles over the primary radio channel. Additional transmissions and irrelevant radio traffic should not be repeated unnecessarily.
- I. Only officers directly involved in the pursuit, the shift supervisor, primary dispatcher and officers initiating deployment of tire deflation devices, shall broadcast radio traffic during a motor vehicle pursuit. All other personnel shall monitor the pursuit, but will refrain from broadcasting radio transmissions, unless absolutely necessary.
- J. In the event the pursued vehicle begins driving in a direction opposite of the flow of traffic, the pursuing officer(s) shall not follow the driving behavior, but instead remain in the designated lane of travel for the direction of traffic flow and broadcast a detailed observation of the pursued vehicle's driving behavior.
- K. The pursuing officer(s) will continuously evaluate the nature of the pursuit, in light of changing conditions and currently present dangers and makes a decision, whenever necessary, to terminate the pursuit.
- L. Upon stopping a pursued vehicle, officers will use high risk stop (felony stop) procedures, if possible.

VI. MOTOR VEHICLE PURSUIT INITIATION CRITERIA

- A. An officer may initiate a motor vehicle pursuit to apprehend a suspect only when the officer has reasonable grounds to believe the suspect poses a clear and immediate threat of death or serious injury to others. Or, when the officer has probable cause to believe that the suspect poses a clear and immediate threat to the safety of others, which is ongoing and which existed prior to the officer's attempt to initiate a traffic stop. This decision is based on known circumstances and includes, but is not limited to, the following:
 - 1. The initiating officer has probable cause to believe a violent felony has been, or is being, committed;
 - 2. The initiating officer has reasonable grounds to believe that the suspect presents a clear and immediate serious threat to the safety of others. *The Farmington Police Department recognizes that a vehicle moving on a public roadway, possibly driven by an impaired driver, presents an*

exigent circumstance meeting the criteria of a clear and immediate threat to the safety of others, and in such instances an officer may pursue the suspected impaired driver if there are articulable facts supporting the above mentioned criteria prior to the initiation of the traffic stop. In instances where the vehicle is the subject of an attempt to locate impaired driver, meeting the requirements set forth in State vs Contreras, the officer shall not pursue absent additional articulable facts prior to initiating the traffic stop;

3. The necessity of immediate apprehension outweighs the level of inherent danger created by the pursuit;
 4. Knowledge of the suspect's identity, possible destination and previous activities which make apprehension at a later time feasible;
- B. A pursuit of a known suspect, who has an active felony arrest warrant for a violent felony, is permissible if it is deemed immediate apprehension outweighs the risks of allowing the subject to remain free at large.

VII. MOTOR VEHICLE PURSUIT PROHIBITIONS

- A. In the event the pursued vehicle begins driving in a direction opposite of the flow of traffic, the pursuing officer(s) shall not follow the driving behavior, but instead remain in the designated lane of travel for the direction of traffic flow and broadcast a detailed observation of the pursued vehicle's driving behavior.
- B. Under no circumstances will officers pursue in an operating school zone;
- C. Absent a definitive, life or death need, where lives are at stake and in which immediate action is likely to successfully save the life of an innocent person or persons, police officers shall not enter a pursuit with non-sworn personnel in the police vehicle;
- D. Officers with prisoners or subject(s) being transported in their police vehicle will not initiate or join a motor vehicle pursuit.
- E. Officers shall not pursue any off-road type vehicles, which include three and four wheeled ATVs, dirt bikes, motorized scooters, go-peds, mopeds, go-carts, and any other recreational type vehicle that may be operated on public roads or property. (Very often these vehicles are operated by youths who are incapable of handling the pressures involved in pursuit situations. In only the most extreme situations, where allowing the operators escape creates a severe risk of serious injury or death to either an officer or another citizen, a supervisor may allow the pursuit);
- F. Officers are prohibited from discharging firearms at or from a moving vehicle or bicycle unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force.
- G. Officers shall not attempt to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit, or unless directed by a supervisor; overtaking or attempts to overtake a pursued vehicle is prohibited.

VIII. MOTOR VEHICLE PURSUIT INITIATION PROCEDURES

Prior to engaging any emergency equipment to affect the stopping of a vehicle, the officer should attempt to note the license plate number and vehicle description.

Any officer initiating a motor vehicle pursuit shall activate their police vehicle's emergency lights and siren (which automatically activates the in-car audio/video recording system), which will remain activated for the entirety of the pursuit. The officer shall notify the Communications Center, as soon as reasonably possible, that a motor vehicle pursuit is underway and provide the following information:

- A. The officer, identified by call number, is in pursuit;
- B. The specific articulated reason for the pursuit, including the type of violation which initiated the pursuit;
- C. The indication of any weapons involved;
- D. The location, direction of travel, surrounding traffic conditions (i.e. light, moderate or heavy) and the speed of the vehicle being pursued;
- E. The description of the vehicle being pursued, including the license plate number and state of issuance, if known;
- F. The number, approximate age and description of occupants of the vehicle being pursued, if known;
- G. If a hostage is involved, this fact, along with description and exact location of the hostage in the vehicle, if known;
- H. Any additional information requested by the field supervisor.

Failure to transmit the above information listed in letters A-E above may be cause for the immediate termination of a motor vehicle pursuit by the shift supervisor.

IX. PRIMARY AND SECONDARY OFFICER RESPONSIBILITIES

The responsibility for the decision to initiate a motor vehicle pursuit rests with the initiating officer. The pursuing officers shall at all times operate in strict compliance with this policy and Section 66-7-6 of New Mexico State Statute, which grants exemptions from certain traffic laws to operators of authorized emergency vehicles.

Officers shall not initiate or continue a motor vehicle pursuit when the immediate dangers which are created by the motor vehicle pursuit exceed the dangers presented to the officer(s) and/or the general public if the occupants of the motor vehicle being pursued were to remain at large.

The primary concern in pursuit situations is the protection and safety of our citizens and officers. Death or permanent injury to either can result without warning. The seriousness of the possible outcome of a pursuit commands the police officer to weigh many factors when deciding whether or not to initiate a pursuit. The decision to initiate or continue in pursuit of a fleeing motor vehicle shall be determined by the pursuing officers or immediate supervisor based on the following considerations:

- A. The geographic location, time of day, and present population density, taking into consideration, school zones, residential streets, congested business districts, etc.;
- B. Traffic volume and road conditions;
- C. Pedestrian traffic and volume;
- D. Weather conditions;
- E. Driving actions or operation of the suspect vehicle;
- F. Condition of the police vehicle;
- G. Officer's driving skill/specialized training;
- H. Speed involved;
- I. Availability of additional police vehicles to assist at the scene or to intercept the pursued vehicle;
- J. Likelihood of apprehension;
- K. Familiarity with the roadway/area;
- L. Existence of possible innocent third persons inside the suspect vehicle;
- M. Ability to maintain radio communications.

An officer may not enter an active pursuit without first activating their police vehicle's emergency lights and siren. In addition, they must notify the Communications Center of their entry into the pursuit immediately.

The secondary pursuit vehicle maintains a safe distance behind the primary pursuit vehicle, but remains close enough to render immediate back-up assistance and retain visual contact.

If the secondary pursuit vehicle assumes the primary pursuit vehicle position, they will immediately notify the Communications Center.

X. COMMUNICATIONS CENTER RESPONSIBILITIES

During a motor vehicle pursuit the Communications Center is responsible for the following:

- A. Upon being advised of the initiation of a motor vehicle pursuit, the dispatcher operating the primary radio channel signifies a "10-33 Traffic" (emergency radio traffic only), in order to notify all field units.

- B. Notify the field supervisor of the pursuit.
- C. Monitor all radio communications pertaining to the pursuit and enter all relevant information into the Computer Aided Dispatch System.
- D. Perform all relevant record and motor vehicle checks on the pursued vehicle, as well as on the registered owner.
- E. Should a pursuit from another jurisdiction near or enter the Farmington Police Department jurisdiction, the Communications Center shall immediately notify all field units and the field supervisor, providing all available information pertaining to the pursuit. The closest available unit is dispatched to assist.

XI. FIELD SUPERVISOR'S RESPONSIBILITIES

Upon being notified of a motor vehicle pursuit, the shift supervisor verifies the following information with the Communications Center and determines:

- A. Identification numbers of all police vehicles involved in the pursuit;
- B. Location and direction of travel;
- C. The reason the pursuit was initiated;
- D. Ensure the pursuit is in compliance with this policy;
- E. Assist the primary unit with the necessary support requested;
- F. Request aerial assistance, if available;
- G. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle.

The shift supervisor continuously monitors and, when appropriate, directs the pursuit, determining the merits of the pursuit based on the information available. Supervisors have the ultimate responsibility and authority for the decision to continue or terminate the pursuit. A pursuit will not continue without the expressed verbal acknowledgement and/or authorization of the shift supervisor.

If a pursuit leaves or enters the Farmington Police Department jurisdiction and the pursuit directly involves more than one agency, the shift supervisor may request the channels of both affected agencies be joined ("patched") to ensure all relevant pursuit information is relayed to all assisting officers/deputies and supervisors.

This does not relieve the officer(s) involved in the pursuit from exercising good judgment, based on existing conditions and Department policy and procedure, to make the decision to terminate the pursuit.

XII. TERMINATION OF THE PURSUIT

As previously stated, the decision to terminate a pursuit rests with both the primary and secondary pursuit officers and the shift supervisor.

The officers and the shift supervisor are neither criticized nor disciplined for their decision to terminate a pursuit based on their sound judgment. A pursuit should be terminated under any of the following circumstances:

- A. In the opinion of the pursuing officers or the field supervisor there is a clear and unreasonable danger to the officer(s), the general public, and/or suspect, which is created by the pursuit and which outweighs the necessity of immediate apprehension;
- B. The identity of the suspect or suspects has been established to the point that later apprehension can be accomplished and there is no longer a need for immediate apprehension;
- C. The traffic, roadway and/or environmental conditions create a dangerous or hazardous condition for the pursuit;
- D. The officer knows or is reasonably certain that the pursued vehicle is operated by a juvenile and there are not conditions constituting a clear and immediate threat to the general public, such as driving while intoxicated, and the safety factors involved are considered greater than a juvenile can cope with;
- E. The pursuit vehicles are no longer in visual contact with the pursued vehicle, or the distance between the pursuit vehicle and the fleeing vehicle is so great that further pursuit is senseless.

Upon termination of a motor vehicle pursuit, the pursuing unit(s) will deactivate all emergency equipment, (turn around and travel the opposite direction of the fleeing vehicle) and obey all applicable traffic laws. It is recommended that officers (Officers shall) continue the operational recording on their in-car audio/video systems for at least one minute after the termination of a pursuit.

If a supervisor terminates a pursuit, that supervisor will instruct the pursuing officer(s) to meet at a specific location. The supervisor will obtain all information regarding the pursuit from the officer(s) involved.

XIII. UTILIZATION OF AERIAL ASSISTANCE DURING PURSUITS

An aerial unit cannot assume the role of primary pursuit vehicle under the New Mexico Motor Vehicle Code, and acts in an observation role only. The aerial unit will notify the Communications Center of their entry into the pursuit immediately.

Once aerial assistance has responded and has a visual on the pursued vehicle, the field supervisor will determine to continue the motor vehicle pursuit or to terminate.

Pursuit modes as related to the utilization of aerial assistance during motor vehicle pursuits:

Active Pursuit Mode: The role of aerial unit during a motor vehicle pursuit is to assist and coordinate field unit activities. The aerial unit is responsible for monitoring and broadcasting pursuit information such as traffic hazards, actions of the suspect(s) and any other pertinent information. If practical, the aerial unit shall videotape the pursuit for evidentiary, tactical and training purposes.

Overall control of the pursuit shall remain with the primary pursuit vehicle and field supervisor.

Tracking Mode: If the motor vehicle pursuit is terminated, the aerial unit may, at the discretion of the supervisor, act as the primary observation unit, continuing to track/monitor the suspect vehicle from the air. The aerial unit will relay the progress of the vehicle to the ground units. The ground units will then be utilized to tactically apprehend the offender(s).

When the aerial unit is involved in a pursuit utilizing the Tracking Mode, pursuit vehicle(s) actively involved in the pursuit will shut down emergency equipment and cease emergency driving activities and terminate the pursuit.

The supervisor will determine how many units are needed in order to track the vehicle based upon the information given by the aerial unit.

With direction from the aerial unit, the supervisor will direct and control ground units in a manner which increasingly constricts the perimeter surrounding the vehicle in order to apprehend the offender(s).

The aerial unit will broadcast the direction of travel of the pursued vehicle.

The aerial unit will notify the supervisor if ground units are still following the suspect vehicle.

XIV. CARAVANNING

No additional officer(s) will enter an in-progress motor vehicle pursuit in which two police vehicles are already involved, unless otherwise authorized by the shift supervisor. The monitoring supervisor may enter into the pursuit or authorize an additional vehicle to become involved, if deemed appropriate, based on the circumstances and/or type of crime involved.

Assisting officers may respond to the area of the pursuit in an attempt to prevent roadway traffic and pedestrians from becoming inadvertently involved in the pursuit, deter the offender, as possible, from areas and roadways which are congested or which constitute areas or roadways involving a greater risk to un-involved persons. Assisting units may be utilized in the stopping of the pursued vehicle. Assisting officers will be alert to the progress of the pursuit and the location.

The assisting officers will respond as safely as possible, utilizing emergency lights and sirens. When doing so, officers shall use increased caution in their response, weighing the need for the expedited response against the hazards presented to other vehicles, pedestrians, and un-involved persons. Officers may choose to resume normal driving methods and speeds when the risk of the continued emergency response outweighs the inherent risks faced by persons involved in the incident. If, in the course of an emergency response, an officer receives additional information that tends to significantly lessen the degree of the emergency or negates a continued emergency response, the officer shall de-activate his or her emergency equipment and return to normal, law-abiding driving procedures. Officers will operate within statutory limitations while exercising the privileges set forth in section 66-7-6 of the Motor Vehicle Code regarding exemptions to certain laws.

XV. VEHICLES QUALIFIED TO ENTER A PURSUIT

Only police vehicles equipped with emergency lights and siren are to enter a pursuit. Police vehicles not so equipped may attempt to maintain visual contact with any fleeing vehicle, without using excessive speed and will provide all relevant information to the Communications Center.

Police motorcycles should not initiate a motor vehicle pursuit unless absolutely necessary for the safety of the public. Police motorcycles will immediately disengage upon engagement of a marked patrol vehicle, and shall never engage in an in-progress pursuit.

XVI. PURSUITS LEAVING FARMINGTON POLICE DEPARTMENT JURISDICTION

The shift supervisor has the responsibility of determining if the pursuit should continue into another jurisdiction. The pursuing officer(s) does not make presumptions on this matter.

If it is determined that the pursuit should be continued into another agency's jurisdiction the shift supervisor notifies the Communications Center and requests assistance from the agency whose jurisdiction the pursuit is entering.

Should a law enforcement vehicle from the affected jurisdiction actively enter the pursuit, the Farmington Police Department vehicle will remain in the primary pursuit position, while the affected jurisdiction assumes the secondary pursuit vehicle position and responsibilities whenever it is safely possible to do so. This is to ensure accurate direction of travel is broadcast pertaining to the motor vehicle pursuit. The affected jurisdiction may have geographical knowledge which Farmington Police Department units do not.

Participation in the pursuit by Farmington Police Department vehicle(s) is terminated by the primary or secondary officer under any of the following circumstances, unless otherwise directed by a shift supervisor:

1. Radio contact with the Communications Center or affected agency's units is lost, or becomes inaudible;
2. The Farmington Police Department units, unassisted by other agencies' units, enter any area unfamiliar to them that could result in the officer being unable to notify the Communications Center of their exact location.

XVII. PURSUITS ENTERING FARMINGTON POLICE DEPARTMENT JURISDICTION

Notification from another jurisdiction of a pursuit in-progress, which is entering Farmington's jurisdiction, is not to be taken as a request to join the pursuit. When a pursuit by another agency enters the city of Farmington, the shift supervisor will determine direct involvement or maintenance of the pursuit.

NO OFFICER WILL JOIN AN ACTIVE PURSUIT BY ANOTHER LAW ENFORCEMENT AGENCY UNLESS SPECIFICALLY AUTHORIZED BY THE SHIFT SUPERVISOR.

The shift supervisor is responsible for ensuring the department pursuit policy is adhered to before officers enter into the pursuit. If the pursuit meets the standards of this policy the officer will:

- A. Enter the pursuit assuming the secondary pursuit vehicle responsibilities, when safe to do so;
- B. Immediately notify the Communications Center of their entry into the pursuit;
- C. Adhere to the standards of this policy until the pursuit is terminated.

When another agency's pursuit does not meet the standards of this Department's policy, active participation will be prohibited. However, any appropriate and reasonable type of assistance extended to the agency will be given when requested by the agency involved and will be restricted to the following measures:

- A. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit;
- B. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved;
- C. Containment and preservation of the location where a pursuit is terminated, if it is within the jurisdiction of the Farmington Police Department.
- D. Assistance with securing, transporting, or lawfully detaining offenders, as needed, on behalf of the pursuing agency or, assistance with apprehending offenders present at the termination of the pursuit or who have fled from the scene.

XVIII. FORCIBLE STOPPING OF MOTOR VEHICLES

Use of Observation Points:

An observation point should go into effect when requested by any law enforcement agency, with the approval of the shift supervisor. In the event an observation point has been declared, the officers situate themselves in a manner so as not to obstruct traffic or create a hazard, but where all traffic can be viewed. If the suspect should pass the point, the officer will call for assistance and initiate felony stop procedures when appropriate.

When an observation point is established, the apprehension of the fleeing suspect is secondary to the safety of the officers and the motoring public.

The primary officer at the scene of an incident determines the need to request the use of observation points from the Supervisor. If the suspect or suspects have fled, the first primary officer on the scene broadcasts the descriptions of the suspect, vehicles, weapons, and direction of travel, if known. If available, a description of any evidence that might link the suspects to the crime should also be broadcast.

Only supervisors have the authority to put an observation plan into effect. Manpower limitations restrict the points assigned to those which would probably be utilized by subjects fleeing. **ONLY SWORN LAW ENFORCEMENT PERSONNEL** will be assigned observation points.

Many factors must be considered, including the number of officers available for assignment to the observation point. The decision to activate an observation point plan should be based on:

1. The seriousness of the crime;
2. Sufficient information and descriptions of wanted persons and vehicles;
3. The elapsed time between the criminal act and its discovery.

In the event of a requested observation point plan, officers should report to the below listed locations:

1. US64 and Troy King Road;
2. La Plata Highway and Pinon Hills Blvd.;
3. Highway 371 (Bisti Hwy.) and Murray Drive;
4. East City Limits on US550 at the turn off to the Old Aztec Highway;
5. Browning Parkway and US64 east to Bloomfield;
6. Browning Parkway and Wildflower Drive;
7. Browning Parkway and Morningstar.

The planned observation points are listed as 1, 2, 3, 4, 5, 6, and 7 above. Observation points are referred to by their number designation or plainly spoken intersection during radio transmissions. If the suspect is believed to be in possession of a scanner or have access to Police radio channels, locations should be broadcast using their number location only. Units respond to a designated number location as directed for observation purposes. Where possible to safely do so, officers dispatched to an observation point are encouraged to position their vehicle in such a place that the vehicle's in-car camera system records vehicular and pedestrian traffic traveling through the observation point so as to make a permanent record available for investigators.

The use of Roadblocks and other approved tire deflation devices may be deployed at these locations when authorized by a Supervisor and if it is safe to do so with minimal risk to Officers and civilians.

Vehicles are not stopped at observation points unless reasonable suspicion exists to stop a particular vehicle. Officers assigned to an observation point must remember their primary purpose at the location and should refrain from initiating law enforcement contact with vehicles or pedestrians uninvolved with the original incident as opposed to becoming distracted from their primary assignment by attempting to become involved in on-view traffic violations or similar crimes of lesser urgency.

Observation points are not considered a use of force by law enforcement.

Tire Deflation Devices:

Tire deflation devices are designed to slow the momentum of a fleeing vehicle by puncturing the tires and allowing air to escape, or puncture the tires of a vehicle as it attempts to flee. Whether moving or not, the intention is to slow the vehicle and therefore lower the speeds of a pursuit.

If the pursuing officer or a supervisor has reason to believe that the continued movement of the pursued vehicle will place the drivers and/or others in imminent danger of serious bodily harm or death, assisting units may utilize approved tire deflation devices in order to stop the suspect vehicle.

Tire deflation devices are intended to be used on vehicles engaged in a pursuit which is in accordance with Department policy. Therefore, the use of tire deflation devices should be used in accordance with the parameters outlined in Policy #241-03, Motor Vehicle Pursuit.

Ramming of Motor Vehicles:

The use of a Police vehicle to ram a moving or non-moving vehicle has to be taken with great consideration. Utilizing a motor vehicle to try and stop or slow another motor vehicle can cause serious bodily harm and even death. For those reasons, Officers should only ram another vehicle when their lives or the lives of others are at

imminent risk. If time allows, authorization from the on duty Supervisor should be obtained prior to any ramming technique being deployed.

If there is reason to believe that the continued movement of the pursued vehicle will place the drivers and/or others in immediate danger of serious bodily harm or death, officers may reasonably ram a motor vehicle in order to stop or prevent the suspect vehicle from continuing actions posing the threat of serious bodily harm or death.

Subsequently the ramming of a motor vehicle is only permitted during circumstances where deadly/lethal force is justified.

Officers should take the following criteria into account prior to attempting to ram another vehicle;

- A. Criminal Activity- The crime committed by the offender should be of the serious and violent nature; Armed robbery, Aggravated battery with a deadly weapon, Aggravated Assault with the motor vehicle etc. Where the crime is a possible DWI, the officer must be able to advise the extreme and on-going threat to the public. The necessity to stop the vehicle by such extreme measures must be evident and reasonable.
- B. Speed- Officers have to take into account the speeds of their motor vehicle and the vehicle to be rammed. It is understood, the higher the speed of the vehicles, the greater likelihood of significant injuries when the vehicles collide or lose control of their direction. It is recommended that officers attempt ramming techniques at speeds no greater than 35 miles per hour. This does not eliminate the possibility of ramming techniques at higher speeds, when there is an immediate threat to officers or the public.
- C. Location- Officers should consider their location prior to attempting a ramming technique. They should look for areas of straight roadway, with soft shoulders, to initiate a ramming technique. Techniques should not be initiated on hills, downgrades, corners, or areas that are highly populated, unless there is an immediate threat to officers or the general public.
- D. Traffic- Officers must consider other motor vehicles on the roadway at the time of ramming a motor vehicle. Officers should not place innocent bystanders or motorists at greater risk while deploying a ramming technique.
- E. Collision Points on Vehicles- Officers should utilize their push bumpers or bumpers on their vehicles to make contact with the suspect vehicle. Likewise, officers should target bumpers on the suspect vehicle when attempting a ramming technique.

Blocking Maneuvers:

Nothing in this policy or procedure will prevent officers from blocking other vehicles that have come to a stop or which have not begun to move. Officers are not looking to make contact during a blocking technique, only preventing the avenue of escape for the suspect vehicle. Ideally, this should be completed by utilizing bumpers on the patrol vehicle.

Roadblocks:

The placing of unmovable structures, barricades, and motor vehicles in the direct path of a fleeing vehicle will greatly increase the possibility of injury or death to the suspects, officers or civilians. Thus, they will only be authorized by a Supervisor when lethal force is the only option to stop a suspect's actions. These techniques should only be utilized in the direst of circumstances; (Homicides, Active shooters) or situations where the circumstances show an immediate and on-going threat to life.

Officers utilizing their patrol car in a roadblock will not be seated in the vehicle and will obtain cover and concealment so as to not be targeted by the suspect vehicle.

Officers of the Farmington Police Department are not trained in rolling roadblock techniques. Therefore they are highly discouraged and should not be utilized unless authorized by a Supervisor.

Roadblocks are considered a use of force by law enforcement and fall under the use of Lethal/Deadly force.

Supervisor's Considerations:

It is at the discretion of the Supervisor whether or not a roadblock will be deployed.

Supervisors should consider:

- A. Criminal Activity- Supervisors must be aware of the nature of crime committed prior to setting up a roadblock. The crime must be serious and violent in nature; i.e. Homicide. Active Shooter.
- B. Time- Supervisors must consider the time it would take to set up a roadblock.
- C. Manpower- There should be enough manpower to safely conduct a roadblock and set up a corridor for the suspect to enter.
- D. Location- Roadblocks should be utilized in areas of low bystander populations. They should have good lines of sight and not be placed on a hill, curve, or downgrade.

XIX. TRAINING

The Department shall provide officers with annual training related to the safe operation of emergency vehicles during pursuits. The training shall include, but not be limited to: written exam, review of the pursuit policy, provisions of New Mexico State Statute 66-7-6 and safe driving tactics/practices.

XX. DOCUMENTATION OF THE PURSUIT

All reporting procedures and guidelines outlined in Policy #101-14, Reporting and Investigating Force shall be followed.

Following the termination of all pursuits, the primary officer responsible for the incident will complete a Response to Aggression Vehicle Pursuit Report and an offense incident report, along with any other appropriate paperwork. Likewise, any other officer(s) actively involved in pursuing the suspect vehicle, will complete supplemental incident reports documenting their participation.

Following the completion of all motor vehicle pursuits, the shift supervisor collects copies of all documentation generated as a result of the pursuit. Such documentation may include, but not be limited to, the Computer

Aided Dispatch Incident Card printout, dispatch audio recording, offense incident reports and supplemental offense reports, accident reports, charging documents and/or booking sheets.

Supervisors shall critique each pursuit action regarding adherence to Departmental Policy. The shift supervisor reviews all documentation in regards to the pursuit and forwards their recommendations through the chain of command via the AIM System. The Deputy Chief of Operations conducts an initial review of the documentation to determine whether the incident warrants further review, in compliance with the Incident Review Board policy.

XXI. ANNUAL REVIEW AND ANALYSIS

A documented analysis of all motor vehicle pursuit reports is conducted annually by the Professional Standards Lieutenant. A review of the Policy and reporting procedures will be included in the analysis. The purpose of the analysis and review is to reveal any possible patterns or trends that indicate training needs or policy and procedure modifications.